

SUPERIOR COURT OF THE STATE OF CALIFORNIA  
FOR THE COUNTY OF LOS ANGELES

DEPARTMENT NO. 41

JUDGE RAYMOND CARDENAS

RELIGIOUS TECH. CENTER, ET AL., )

PLAINTIFFS, )

-V-

NO. BC033035

JOSEPH A. YANNY, ET AL., )

DEFENDANTS. )

REPORTER'S TRANSCRIPT OF PROCEEDINGS  
WEDNESDAY, OCTOBER 23, 1991

PLAINTIFFS:

WILLIAM T. DRESCHER  
ATTORNEY AT LAW  
23679 CALABASAS ROAD  
SUITE 338  
CALABASAS, CALIFORNIA 91320  
(818) 591-0039

DEFENDANTS:

LAW OFFICES OF CUMMINS & WHITE  
BY: BARRY VAN SICKLE  
865 SOUTH FIGUEROA STREET  
24TH FLOOR  
LOS ANGELES, CALIFORNIA 90012  
(213) 614-1000

DEFENDANT:

RICHARD WYNNE  
LAW OFFICES OF CUMMINS & WHITE  
865 South Figueroa  
24TH FLOOR  
LOS ANGELES, CALIFORNIA 90012  
(213) 614-1000

NANCY C. GOODE, CSR 8191  
111 NORTH HILL STREET  
ROOM 216  
LOS ANGELES, CALIFORNIA 90012

COPY



1 LOS ANGELES, CALIFORNIA, WEDNESDAY, OCTOBER 23, 1991

2 9:40 A.M.

3  
4 DEPARTMENT 41

JUDGE RAYMOND CARDENAS

5  
6 APPEARANCES: WILLIAM T. DRESCHER, PLAINTIFFS

7 BARRY VAN SICKLE, DEFENDANT

8 RICHARD WYNN, DEFENDANT

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15 THE COURT: NUMBER ONE: RELIGIOUS TECH CENTER VERSUS  
16 YANNY, BC033035.

17 YOUR APPEARANCES, PLEASE.

18 MR. DRESCHER: GOOD MORNING, YOUR HONOR. WILLIAM  
19 DRESCHER ON BEHALF OF THE MOVING PARTY.

20 MR. VAN SICKLE: BARRY VAN SICKLE ON BEHALF OF  
21 DEFENDANT, RESPONDING PARTY, JOSEPH YANNY.

22 MR. WYNN: RICHARD WYNN ALSO ON BEHALF OF DEFENDANT.

23 THE COURT: THIS IS A MOTION BY PLAINTIFF TO SEAL THE  
24 RECORD REGARDING THE SETTLEMENT MADE BY GENERAL ARMSTRONG  
25 DATED JULY 16TH, '91.

26 MR. VAN SICKLE, I READ YOUR OPPOSITION.

27 APPARENTLY, IT'S CLAIMED THAT THIS AGREEMENT HAS BEEN MADE  
28 PUBLIC BY OTHERS, AND THAT'S THE JUSTIFICATION FOR NOT



1 SEALING THIS AGREEMENT; IS THAT IT?

2 MR. VAN SICKLE: IN A NUTSHELL. THE AGREEMENT HAS  
3 BEEN MADE PUBLIC IN NUMEROUS WAYS AND NUMEROUS FORMS BY  
4 VARIOUS SOURCES.

5 THE COURT: ALTHOUGH IT WAS THE INTENTION, AND I DON'T  
6 THINK IT'S DENIED BY ARMSTRONG AND THE PLAINTIFFS, THAT THE  
7 AGREEMENT REACHED BETWEEN THEM WOULD BE CONFIDENTIAL; IS  
8 THAT RIGHT?

9 MR. VAN SICKLE: WELL, I THINK THAT YOU'D HAVE TO  
10 PROBABLY GO INTO SOME EXTENSIVE QUESTIONING OF MR.  
11 ARMSTRONG, DECLARATIONS AND THE LIKE, TO FIND OUT WHAT MR.  
12 ARMSTRONG'S INTENT AND UNDERSTANDING WAS.

13 IT'S MY UNDERSTANDING -- AND THIS IS BEING ARGUED  
14 IN OTHER FORMS -- BUT MY UNDERSTANDING IS THAT  
15 MR. ARMSTRONG'S POSITION IS THAT THEY HAVE VIOLATED THIS  
16 PARTICULAR AGREEMENT, AND THEY HAVE ATTACKED AND COME AFTER  
17 HIM IN VARIOUS WAYS. AND SINCE THEY HAVE VIOLATED, THE  
18 AGREEMENT IS NO LONGER BINDING ON HIM. I DON'T REPRESENT  
19 MR. ARMSTRONG. THAT'S MY UNDERSTANDING, BELIEF, IT'S NOT  
20 BINDING UPON HIM.

21 THE COURT: HE'S NOT EVEN A PARTY IN THIS ACTION?

22 MR. VAN SICKLE: NO.

23 MR. DRESCHER: THE SOURCE OF EACH OF THE FILINGS,  
24 EITHER DIRECTLY OR INDIRECTLY, HIS INTENTIONS ARE -- WERE  
25 CLEAR ENOUGH, IS THAT A STIPULATION AND ORDER WERE ENTERED  
26 AT THE TIME OF THE AGREEMENT, AND FRANKLY, IF A DOCUMENT  
27 HAS SIMPLY BEEN RELEASED IMPROPERLY BY ONE OF THE PARTIES  
28 OR THROUGH THE ASSISTANCE OF ONE OF THE PARTIES, IT DOESN'T



1 CHANGE THE ORIGINAL CHARACTER AS FOUND BY THE COURT.

2 I THINK THIS IS A DOCUMENT EVERYONE INTENDED TO  
3 BE SEALED WHEN IT WAS, AND THE COURT OF APPEALS HAS  
4 AFFIRMED THAT. THERE'S ABSOLUTELY NO JUSTIFICATION TO BE  
5 FLOATING IN THIS CASE WHEN IT'S BEING PROPERLY SEALED IN  
6 OTHER COURTS.

7 THE COURT: MR. WYNN?

8 MR. WYNN: YOUR HONOR, I CAN SPEAK A LITTLE MORE ABOUT  
9 WHAT THE INTENTIONS ARE BY MR. ARMSTRONG BECAUSE I WAS  
10 PRESENT AT HIS DEPOSITION IN THIS CASE ABOUT 10 DAYS AGO.

11 MR. ARMSTRONG'S POSITION IS INDEED THAT  
12 PLAINTIFFS, IN THIS MATTER THE PARTIES TO THE SETTLEMENT  
13 AGREEMENT, REACHED THE AGREEMENT WHICH HAS RELEASED HIM  
14 FROM ANY NECESSITY OF KEEPING THAT AGREEMENT CONFIDENTIAL.

15 AT THIS TIME, WE WOULD SUBMIT THE SAME DOCUMENT  
16 IS AVAILABLE IN THE CORDON (PHONETIC) CASE, AND IT HAS BEEN  
17 FOR A PERIOD OF ALMOST 18 MONTHS, AND OPEN TO THE PUBLIC.  
18 IT BEEN AVAILABLE IN THE COURT OF APPEALS ALTHOUGH THERE IS  
19 A MOTION PENDING.

20 THE COURT OF APPEAL NOTICED -- MADE NOTE OF THE  
21 FACT IN THE OPINION THAT'S ATTACHED TO THE MOVING PAPERS  
22 THAT THEY'RE GOING TO REQUIRE A MORE PARTICULARIZED SHOWING  
23 THAN WHAT THEY DID IN RESEALING THE TRIAL TRANSCRIPT, WHICH  
24 IN EFFECT, WAS TO SAY THAT JUDGE GEERNAERT COULDN'T REVERSE  
25 WHAT JUDGE BRECKENRIDGE HAD DONE TWO YEARS EARLIER.

26 IN THIS CASE, THE MATTER IS OF PUBLIC RECORD.  
27 GIVEN THE FACT THE APPELLATE COURT -- WHETHER THE APPELLATE  
28 RECORD WOULD BE SEALED, WE BELIEVE PLAINTIFFS HAVE FAILED



1 TO SHOW THE VERY STRONG SHOWING NECESSARY TO SEAL WHAT  
2 OTHERWISE WOULD BE A PUBLIC, ACCESSIBLE RECORD AND WE  
3 THINK, IF NOTHING ELSE, THIS COURT SHOULD PUT OFF A  
4 DECISION ON THAT UNTIL THE APPELLATE COURT RULES AS TO  
5 WHETHER THE APPELLATE RECORD WILL BE SEALED.

6 THE COURT: WITHOUT FURTHER ARGUMENT, THE COURT RULES  
7 THAT THE MOTION IS GRANTED. THE COURT WILL NOT ASSIST IN  
8 THE BREACH OF WHAT APPEARS TO BE A CONFIDENTIALITY  
9 AGREEMENT BETWEEN PLAINTIFFS AND ARMSTRONG, AND DELIVER THE  
10 MOTION AS GRANTED.

11 MOVING PARTY GIVE NOTICE.

12 MR. DRESCHER: I WILL. THANK YOU, YOUR HONOR.

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14 (END OF PROCEEDINGS.)

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SUPERIOR COURT OF THE STATE OF CALIFORNIA  
FOR THE COUNTY OF LOS ANGELES

DEPARTMENT: 41

HON. RAYMOND CARDENAS

RELIGIOUS TECH. CENTER, ET AL.,

PLAINTIFFS,

VS.

JOSEPH A. YANNY, ET AL.,

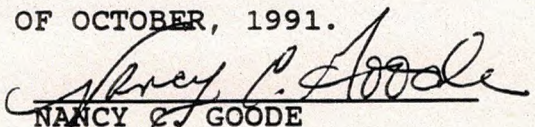
DEFENDANTS.

REPORTER'S CERTIFICATE

STATE OF CALIFORNIA )  
COUNTY OF LOS ANGELES )

I, NANCY C. GOODE, OFFICIAL REPORTER OF THE SUPERIOR COURT OF THE STATE OF CALIFORNIA, FOR THE COUNTY OF LOS ANGELES, DO HEREBY CERTIFY THAT THE FOREGOING PAGES, 01 THROUGH 05, COMPRISE A FULL, TRUE, AND CORRECT TRANSCRIPT OF THE PROCEEDINGS HELD IN THE ABOVE-ENTITLED MATTER ON WEDNESDAY, OCTOBER 23, 1991.

DATED THIS 23RD DAY OF OCTOBER, 1991.

  
NANCY C. GOODE  
CSR 8191